

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36146 of 2024

Arising Out of PS. Case No.-61 Year-2018 Thana- PHULPARAS District- Madhubani

Sanjay Yadav Son of Rajendra Yadav Resident of Village - Navtol, P.S. -
Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash
Mr. Gagan Deo Yadav
Mr. Vinod Kumar

For the Opposite Party/s : Mr. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 302, 504, 506 of the Indian Penal Code and Section 27 of Arms Act.

While he was returning to house from Phulparas, petitioner along with other accused persons surrounded him and petitioner fired upon him. It is further alleged that co-accused Gulzar Miyan also opened fire, which hit on the right shoulder on informant's father. The informant rushed to the



place of occurrence where his father revealed that petitioner and co-accused Gulzar Miyan have fired upon him. informant's father succumbed to gun shot injuries during the course of treatment.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case in the background of political rivalry. Nothing incriminating has been recovered from the possession of the petitioner. It is further submitted that similarly situated co-accused Gulzar Miyan has been enlarged on bail vide order dated 12.09.2019, passed in Cr. Misc. No. 56521 of 2019, after once rejected. Moreover, petitioner is languishing in judicial custody since 25.09.2023.

Learned APP appearing on behalf of the State vehemently opposed the prayer of the petitioner and submitted that petitioner is named in F.I.R. and there is specific allegation of opening fire upon the informant's father due to which he succumbed to injuries. From perusal of the postmortem report (annexed as Annexure P), it appears that the doctor has opined that the cause of death is due to



hemorrhage and shock due to bullet injuries, which corroborates with the prosecution case. Several witnesses have also supported the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

Learned trial court is directed to expedite the trial and conclude the same within a period of six months.

However, if the trial of the petitioner is not concluded within a period of six months, he would be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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